

“While the Democratic Party has won a great victory tonight, we do so with a measure of humility and determination to heal the divides that have held back our progress.”

“Just over a year later, those words from President-elect Obama still stand out to me as the most hopeful promise of his victory—and the most elusive. While this year has seen lasting accomplishments in Congress, we should be honest about what this year has not seen: it has not seen a new civility, and it has not seen a minority party that’s serious about joining in the work of governing at a time of crisis.

“One of our two great parties is now an organization committed to an unprecedented level of lockstep opposition to the president: a ‘Party of No,’ whose political strategy is an investment in failure for our country and paralysis for its institutions. Even conservatives have criticized the transformation; as David Brooks wrote last spring, ‘The G.O.P. leaders have adopted a posture that allows the Democrats to make all the proposals while all the Republicans can say is ‘no.’

“No one expects Republicans to roll over for President Obama. But the ‘Party of No’ strategy is so disappointing because the history of Congress is full of loyal oppositions that shared responsibility for governing in trying times and shaped some of the most important legislation of their eras. It is not asking too much for today’s Republicans to rise to those examples. The history of constructive minorities shows how much more we should expect and demand of them. It shows us that healing the divide is, at crucial moments, entirely possible.

“That’s what President Obama believed when he took office, when he opened up the White House to repeated meetings with members of both parties, and when he urged Congress to incorporate Republican ideas in the Recovery Act. The G.O.P.’s answer? House Republicans voted unanimously against the Recovery Act—and then broke out in applause for themselves. In the Senate, one of the three Republicans to support it, Arlen Specter, was essentially driven out of his party. Those moments showed a party that, even with the economy facing collapse, put the highest value on group loyalty and ideologically defining votes. Rather than working to shape the Recovery Act, Republicans chose a strategy that could only profit from failure.

“Republicans again and again have chosen slogans and symbolism over constructive contributions. When President Obama proposed a budget with a detailed focus on education, clean energy, and health care reform, Republicans could have worked to put their stamp on it. Or they could have proposed a substantive alternative. Instead, House Republicans spent most of their energy lambasting Democrats—releasing an 18-page document that famously included more pictures of windmills than charts of numbers.

“Again, on health care, the Democratic plan faced months of debate before it came up for a House vote; but from the beginning, Republicans made clear to the Democratic leadership and chairmen that they were not interested in participating. What’s especially remarkable about Republican obstructionism on health care is that a central plank of the Democratic plan—an individual insurance mandate—was the Republican alternative during the Clinton administration. Since then, millions more Americans have lost their health coverage, and the average premium has more than doubled—and Republicans now argue against the policy they once supported. Similarly, after proposing hundreds of billions of dollars in Medicare cuts, Republicans are now protesting our plans to save Medicare money as part of health care reform. That looks to me like a party determined to ‘break’ Democratic presidents, in the words

of Senator DeMint—even as its constituents continue to suffer under a broken system.

“In the Senate, of course, the minority’s obstructive power is even greater. The filibuster has turned from an exceptionally rare tool of passionate opposition, into a routine hurdle. Political scientist Barbara Sinclair found that the last Congress, with a Republican minority in the Senate, set a filibuster record—and that while just 8% of major bills faced filibusters in the 1960s, 70% do today. That goes far beyond the Founders’ plan for the Senate’s ‘cooling’ function—that is a recipe for a Senate practically paralyzed. As a result, we have seen non-controversial nominations held hostage, action on global warming stalled, and, while families struggled in this crisis, unemployment insurance delayed and denied for weeks—unemployment insurance that was finally approved by a unanimous vote.

“Just last week, Republican Senator Judd Gregg circulated to his colleagues an ‘obstruction manual’ full of helpful tips for taking advantage of Senate rules to stall debate on health care reform—tips like offering ‘an unlimited number of amendments—germane or non-germane—on any subject,’ or making ‘a point of order...with or without cause.’ This was the same senator who, three years ago, blasted ‘obstruction for the purpose of obstruction.’

“In the same way, Senator Jeff Sessions chose to filibuster President Obama’s first nominee for appellate judge, saying: ‘This side cannot acquiesce into a philosophy that says that Democratic presidents can get their judges confirmed with 50 votes.’ The key words there are ‘Democratic presidents’—because when the President was from his party, judicial filibusters were ‘unprecedented, obstructive tactics.’

“That is the deep irresponsibility of our minority party. And I’m not the only one to see it. One observer complained that Republicans are ‘not consistently, methodically, offering positive alternatives.’ Another called on Republicans to ‘offer, based on their own principles, solutions to these problems.’ A third said, ‘The Republican leadership in the House right now is constantly trying to play a political game to get a headline.’ Those aren’t liberal bloggers: they are Newt Gingrich, Jeb Bush, and Republican Congressman Dana Rohrabacher.

“But as much as it disappoints me, this refusal to participate is kept in place by a number of powerful forces. There is a media that so often finds it more profitable to incite than to inform—including media figures who are eager to punish any Republican who deviates from the party line, and eager to celebrate Members who break Congress’s basic standards of decorum. There is the assumption—pioneered by Newt Gingrich himself, as early as the 1970s—that the minority wins when Congress accomplishes less. And, as Republican strategist Ed Rollins said, obstruction ‘allows [the party] to stay unified and will help rebuild their financial base.’ The ‘Party of No’ strategy also stems, in part, from Republicans’ allegiance to special interests determined to keep Bush-era policies favorable to them in place.

“In fact, any party that finds itself on the losing end of an election has to struggle with similar forces. But we can still look to times when the minority party has tied its success not to Congress’s failure, but to the shared work of governing—when it has helped to create legislation that still marks our lives.

“In 1964, when LBJ needed to defeat a Senate filibuster of the landmark Civil Rights Act, he turned to Minority Leader Everett Dirksen. Sen. Dirksen worked for months to put together a bipartisan civil rights coalition. In his final speech before the vote, after 57 days of debate, he said this: ‘Stronger than all the armies is an idea whose time has come.’ It was the first civil rights filibuster ever to be broken.

“In 1965, when some members of his party were denouncing Medicare as ‘brazen socialism,’ the ranking Republican on the House Ways and Means Committee, John Byrnes, chose to help

write the bill instead. He proposed a voluntary program to cover doctor expenses; today, it's the basis of Medicare Part B.

"In 1983, Social Security faced a crisis as its trust fund was heading into the red. President Reagan and Congress agreed on bipartisan reforms to save it for the next generation. Minorities in both chambers would have found the issue easy to exploit; but instead, Republicans gave up their ideological opposition to Social Security, and Democrats gave up a powerful campaign issue against President Reagan. The compromise had the key backing of Republican Minority Leader Bob Michel—a man whose decency and seriousness about the legislative process are still a powerful example of constructive opposition, loyal to principle and country.

"In 1986, Republicans and Democrats compromised on a major tax reform bill to simplify the tax code, lower tax rates, and close loopholes.

"In 2001, Ted Kennedy helped President Bush pass major, standards-based education reform: No Child Left Behind. Again, Senator Kennedy was negotiating from the minority for most of the months leading up to the bill's passage. It's true that he later criticized the president for failing to fully fund NCLB—but that just shows how the minority can benefit from staying involved. It was exactly Senator Kennedy's involvement that gave him such strong standing to criticize and push for further funding.

"Finally, we can add to that list the great accomplishments of loyal oppositions that controlled Congress but were willing to work with, instead of block, a president of the other party: the Marshall Plan; the Interstate Highways; historic clean air and clean water laws under President Nixon; President Reagan's and Speaker Tip O'Neill's work to save Social Security; and welfare reform and a balanced budget under President Clinton and Speaker Gingrich. In fact, even though Speaker Gingrich began his climb to leadership on the strength of obstructionism, at the end of his career in the House he had strong words for Republicans in what he called the 'perfectionist caucus': 'my fine friends who are perfectionists, each in their own world where they are petty dictators could write a perfect bill....But that is not the way life works in a free society.'

"I've tried to live by that principle myself: under President Bush, I worked long and hard on intelligence reform with my friend Roy Blunt. And when the global economy faced collapse, it was Democrats who provided the votes for a painful financial rescue that I believe averted disaster.

"I understand that each of these examples is unique; many of them took place in a less ideologically rigid Washington—one many of us still remember fondly. But all of these stories have something in common: they all happened at times when the pressures on our nation were felt more strongly than the pressures that so often make Congress a place of lockstep opposition. They all prove that, when it matters most, the opposition can make a true difference—while staying true to its principles.

"Today, when it matters so much, I hope that a principled Republican party will once again step up to its responsibilities. I know I don't have much power myself to bring about that change. But I can keep reminding my colleagues of what our country needs and expects of them, and how much we will honor their willingness to stand up to the forces of extremism in their own party—as Minority Whip Cantor did when he criticized Rush Limbaugh for comparing President Obama to Hitler.

"I also know, in closing, how easy it is to accuse me of being disingenuous for even making this argument. It's easy to say that Democrats actually want extremism to be the face of the

opposition—that we would be happy for the ‘Party of No’ to keep saying no. But that’s not true. When we say no to the work of legislating, we do real harm to the institution of Congress and our nation’s future.

“First, when one party takes itself out of the process, it means that less substance is debated openly—and that the debates that do happen are empty exercises. When that happens, Congress is truly less accountable to the people; it fails in its role as the deliberative, representative branch.

“Second, when Congress is deadlocked, and especially when the Senate is, the representative branch becomes less relevant every day. I think the Washington Post’s Ezra Klein explained it very well: when ‘the minority party has a continual stake in Congress not really working...it’s bad for Congress and bad for democracy. It means power devolves from the legislature and towards unelected, unaccountable organizations like the Federal Reserve, the EPA...or the courts.’

“Finally, the hard choices that are being forced on our country demand engagement from both parties. I’m thinking of challenges like reforming our massive entitlement programs, controlling the growth of health care spending, and responding to climate change—issues that are fraught with political risk and so easy to demagogue that it is almost impossible for one party to take them on alone. Those challenges are dangerously likely to stay untouched as long as at least one party is willing to be a ‘Party of No.’

“In times with less at stake, saying no to the work we were elected to do may be an affordable luxury. Today, though, the price is far too high. That is why it is so crucial to make the president’s election night promise come belatedly true: to govern along with a loyal opposition that puts the progress of our country ahead of the politics of its party; to heal the divides that still hold our progress back, at greater cost to the American people each day.”